

The Honorable Robert J. Bryan

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

UNITED STATES OF AMERICA,
Plaintiff,

vs.

MICHAEL JOHN SCOTT,
Defendant.

NO. 21-CR-00134-RJB

MOTION AND DECLARATION TO
CONTINUE PRE-TRIAL
CONFERENCE, TRIAL DATE, AND
PRETRIAL DEADLINES

**NOTE ON MOTION CALENDAR:
December 8, 2022**

COMES NOW, Ken Therrien, the attorney for the defendant Michael John Scott and moves the court for an order continuing the trial date from January 9, 2023 to next available trial date after May 30, 2023. This motion is based upon the files and records herein and the Declaration of Counsel filed herewith.

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KEN THERRIEN, PLLC
413 NORTH SECOND STREET
YAKIMA, WA 98901
(509) 457-5991

DECLARATION

Ken Therrien upon oath deposes and states:

On December 10, 2020, the Declarant was appointed to represent Michael Scott in Cause number 20-CR-00018-RJB (Dkt#24). The Indictment filed alleged that while Michael Scott was out of custody and waiting to be sentenced under “18-CR-5579-RBL” Mr. Scott was conspiring to sell illegal narcotics to a “Controlled Informant.”

On August 26, 2021 (Dkt # 7). The Declarant was appointed to represent Michael Scott under cause number 21-CR-00134-RJB. Mr. Scott had previously been indicted on August 11, 2021 (Dkt # 1) regarding the charges identified in 21-CR-00134-RJB.

On April 11, 2022 the Government’s Motion to Consolidate Cause numbers 20-CR-00018-RJB and 21-CR-00134-RJB (Dkt # 30) was granted by the Court. The trial date is presently set for January 9, 2023. Due to the joinder of both cause numbers on June 28, 2022, (DKT # 50) this case was found sufficiently complex to warrant a continuance. On June 17, 2022, additional time is necessary to adequately and effectively Mr. Scott in this case.

On December 7, 2022, the declarant met with Mr. Scott for two (2) hours to discuss on going settlement negotiations with the Government, and a potential request for a continuance of the trial date. When I came into work, on December 8, 2022, I reviewed two telephone messages left by Mr. Scott at 5:30 and 5:56 pm on December 7, 2022 regarding our earlier meeting on December 7, 2022.

At 9:22 a.m. on December 8, 2022, I spoke with Mr. Scott via telephone for forty-five (45) minutes regarding topics discussed during our meeting on December 7, 2022 and the messages left on my phone message later that day. We discussed various issues regarding the necessity of a continuance. After that discussion, Mr.

1 Scott instructed me to request to a continuance and agreed to an e-signature
 2 verification of Waiver of Speedy Trial. Later on December 8, 2022, at 2:10 p.m. the
 3 declarant received a Corr-Links message from Mr. Scott regarding authorization to e-
 4 sign the speedy trial waiver on his behalf, along with additional information, “see
 5 Exhibit A” filed under Seal. Based on the authorization by Mr. Scott, contained in
 6 “Exhibit A” This Motion of Continuance and Waiver of Speedy Trial is being filed at
 7 the instruction of Mr. Scott and for the reasons stated for herein.
 8

9 Additional time is necessary for the declarant, to meet with Mr. Scott, prepare
 10 pre-trial motions, and prepare the case for trial. This will allow declarant to
 11 adequately and effectively represent Mr. Scott in this case. However, submitting this
 12 Motion to Continuance and Waiver of Speedy on behalf of Mr. Scott instructions, the
 13 Declarant is not in agreement with Mr. Scott’s statements contained in paragraphs 1
 14 and 2 as set forth in “Exhibit A.”
 15

16 The Declarant has contacted AUSA Kristine Foerster Max Shiner regarding
 17 the nature of this continuance, The Government have no objections to this request,
 18 nor the dates provided.
 19

20 Dated this 8th day of December, 2022.
 21
 22

23 /s/ Ken Therrien

24 KEN THERRIEN, WSBA #20291

25 Attorney for Michael John Scott

26 413 North Second Street

27 Yakima, WA 98901

28 (509) 457-5991

29 Fax: (509) 457-6197

30 kentherrien@msn.com

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury of the laws of the State of Washington that on December 8, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

- Max Shiner, Assistant United States Attorney
- Kristine Foerster, Assistant United States Attorney
- Sean Downs, Attorney for Defendant

s/ Ken Therrien

KEN THERRIEN, WSBA #20291
Attorney for Michael John Scott
413 North Second Street
Yakima, WA 98901
(509) 457-5991
Fax: (509) 457-6197
kentherrien@msn.com